

ORIGINAL

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FILED
DISTRICT COURT OF GUAM

AUG - 5 2005 *98*

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,	) CRIMINAL CASE NO. 98-00310
)
Plaintiff,)
	) UNITED STATES' SUPPLEMENTAL RESPONSE
vs.	) TO DEFENDANT'S MOTION TO DISMISS
	) INDICTMENT AND NOT VACATE
	) GUILTY PLEA
)
REX S. ALADO,)
)
Defendant.)
)
)

In U.S.A. v. Renee Rose Diaz, Criminal Case No. CR04-0003, Appeal No. 04-10168, the plea agreement (Exhibit A) to the information in said matter (Exhibit B) did not include a contingency provision safeguarding such prosecution in the event defendant's guilty plea was invalidated. Unlike in Diaz, the plea agreement in Defendant's Rex S. Alado's case does include a contingency provision, ¶ 10, pages 8-9, similar to the plea agreement to the information in U.S.A. v. Thuy T. Dao, (Exhibits C and D).

The proceedings in Dao, unlike in Diaz, also involved an initial indictment (Exhibit E) similar to the instant proceeding in Defendant Alado's case. The government has appealed the Dao case, in a consolidated appeal in U.S.A. v. Lynda L. Transfiguracion, Appeal No. 04-10457, and

1 U.S.A. v. Thuy T. Dao, Appeal No. 04-10458, and such appeal is presently on calendar for oral
2 arguments on September 16, 2005 in San Francisco, California (Exhibit F).

3 Respectfully submitted this 5th day of August 2005.

5 LEONARDO M. RAPADAS
6 United States Attorney
Districts of Guam and NMI

7
8 By: 

9 Marivic P. David
Assistant U.S. Attorney

COPY

rdiaz.ple

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FILED
DISTRICT COURT OF GUAM

DEC - 2 1998

MARY L. M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

CR 9800299

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RENEE ROSE DUENAS DIAZ,

Defendant.

CRIMINAL CASE NO.

PLEA AGREEMENT

Pursuant to Rule 11(e)(1)(B), the United States and the defendant, RENEE ROSE DUENAS DIAZ, enter into the following plea agreement:

1. The defendant agrees to waive indictment pursuant to Federal Criminal Procedure Rule 7(b), and enter a guilty plea to an Information charging her with Conspiracy to Import Crystal Methamphetamine, in violation of Title 21, United States Code, Sections 952(a), 960, and 963.

2. The defendant, RENEE ROSE DUENAS DIAZ, further agrees to fully and truthfully cooperate with federal law enforcement agents concerning their investigation of the importation, possession, and distribution of controlled substances and related unlawful activities, including the disposition of profits from and assets relating to such activities. She agrees to testify fully and truthfully before any grand juries and at any trials or proceedings against any other co-conspirators if called upon to do so for the United States, subject to prosecution for perjury for not testifying truthfully. The United States will make this cooperation known to the Court prior to the defendant's sentencing. The defendant further understands that she remains liable and subject to prosecution for any non-violent Federal or Territorial offenses that she does not fully advise the United States, or for any material omissions in this regard. In return for this cooperation, the United States agrees not to prosecute defendant in the District of Guam or the Northern Mariana Islands for any other non-violent offenses now known to the government or which she reveals to federal authorities.

3. The defendant, RENEE ROSE DUENAS DIAZ, understands and agrees that any and all assets or portions thereof acquired or obtained by her as a direct or indirect result of illegal trafficking in drugs or used to facilitate such illegal activity shall be surrendered to the United States or any lawful agency as may be directed by the Court. The assets to be surrendered include, but are not limited to, cash, stocks, bonds, certificates of deposit, personal property and real property.

1 4. The defendant, RENEE ROSE DUENAS DIAZ, further agrees to
2 submit to a polygraph examination by any qualified Federal
3 polygraph examiner if called upon to do so by the government.
4 The defendant understands that such polygraph examinations may
5 include, but will not be limited to, her knowledge of or
6 involvement in unlawful drug related activities, her knowledge of
7 others' involvement in such activities, and the identification of
8 any and all assets and conveyances acquired in whole or in part
9 by the defendant or others through unlawful drug related
10 activities or the use of such assets or conveyances to further
11 such unlawful activities. Defendant understands that the
12 government will rely on the polygraph in assessing whether he has
13 been fully truthful.

14 5. The defendant, RENEE ROSE DUENAS DIAZ, understands that
15 the maximum sentence for Conspiracy to Import Crystal
16 Methamphetamine in excess of 100 grams in violation of Title 21,
17 United States Code, Sections 952(a), 960, and 963, is
18 incarceration for life and a \$4,000,000 fine. In addition, there
19 is a minimum mandatory term of ten (10) years of incarceration
20 which may not be stayed or suspended by the court. Any sentence
21 imposed shall include a term of supervised release of at least
22 five (5) years in addition to such terms of imprisonment, as well
23 as such restitution as the court may order and a \$100.00 special
24 assessment fee. The \$100 special assessment fee must be paid
25 prior to or immediately upon sentencing.

26 If defendant cooperates as set forth in Paragraphs 2, 3, and
27 4, the government will recommend that defendant receive the
28 minimum term of incarceration legally available under the

1 applicable statutes and Sentencing Guidelines. In addition, if
2 defendant provides full, truthful, and substantial assistance to
3 investigating federal agencies, the government will move the
4 Court, as provided by USSG § 5K1.1, and 18 U.S.C. § 3553(e), for
5 a downward departure from the Guidelines and the statutory
6 minimum sentence. Defendant understands that such motion is
7 within the sole discretion of the government. Defendant also
8 understands that "substantial assistance" encompasses such
9 significant and useful assistance directed to the investigation
10 and prosecution of the criminal activities of other persons, as
11 is set forth by USSG § 5K1.1. Defendant also understands that
12 the decision whether to depart from the Guidelines, and to what
13 degree, is within the discretion of the sentencing judge. If
14 defendant does not fully cooperate as set forth in Paragraphs 2,
15 3, and 4, the government will recommend that defendant receive a
16 term of incarceration within the range recommended by the
17 Sentencing Guidelines.

18 The government will recommend a fine within the Sentencing
19 Guidelines range. If defendant is financially unable to
20 immediately pay the fine in full, defendant agrees to make a full
21 disclosure of her financial status to the United States
22 Attorney's Office by completing a Financial Disclosure Form (OBD-
23 500) for purpose of fixing a monthly payment schedule. Defendant
24 understands that, by law, interest accrues on any remaining
25 balance of the debt.

26 6. The defendant understands that to establish a violation
27 of Conspiracy to Import Crystal Methamphetamine, the government
28

1 must prove each of the following elements beyond a reasonable doubt:

2 First, there was an agreement between two or more persons to
3 bring crystal methamphetamine into the United States from a place
4 outside thereof; and

5 Second, the defendant became a member of the conspiracy
6 knowing of at least one of its objects, including to import
7 methamphetamine or some other prohibited drug into Guam for
8 distribution, and intending to accomplish it.

9 7. The defendant understands that the sentencing guidelines
10 apply to this offense. The government and the defendant
11 stipulate to the following facts for purposes of the sentencing
12 guidelines:

13 a. The defendant was born on [REDACTED] 1978, and is
14 a citizen of the United States.

15 b. If the defendant cooperates with the United States
16 by providing information concerning the unlawful activities of
17 others, the government agrees that any self-incriminating
18 information so provided will not be used against defendant in
19 assessing her punishment, and therefore, pursuant to § 1B1.8 of
20 the sentencing guidelines, this information should not be used in
21 determining the applicable guidelines range.

22 c. Beginning on or about 1997 and continuing to the
23 middle part of 1998, the defendant participated in a conspiracy
24 with Anthony Tajalle aka "Ton", Zachary Richard Ulloa Camacho aka
25 "Cracker Jack", and others to import in excess of 100 grams of
26 crystal methamphetamine aka "ice" from California into Guam for
27 purposes of distribution and profit. The defendant was a trusted
28 associate of "Ton" who organized a methamphetamine trafficking

1 group in California and Guam. During the conspiracy the
2 defendant had assisted in the smuggling of and distribution of
3 "ice" into Guam.

4 d. The defendant understands that notwithstanding any
5 agreement of the parties, the United States Probation Office will
6 make an independent application of the Sentencing Guidelines.
7 The defendant acknowledges that should there be discrepancies in
8 the final sentencing guidelines range projected by her counsel or
9 any other person, such discrepancy is not a basis to withdraw her
10 guilty plea.

11 8. The defendant agrees to waive any right to appeal or to
12 collaterally attack this conviction. The defendant reserves the
13 right to appeal the sentence actually imposed in this case.

14 9. The defendant acknowledges that she has been advised of
15 her rights as set forth below prior to entering into this plea
16 agreement. Specifically, defendant has been fully advised of,
17 has had sufficient opportunity to reflect upon, and understands
18 the following:

19 a. The nature and elements of the charge and the
20 mandatory minimum penalty provided by law, if any, and the
21 maximum possible penalty provided by law;

22 b. Her right to be represented by an attorney;

23 c. Her right to plead not guilty and the right to be
24 tried by a jury and at that trial, the right to be represented by
25 counsel, the right to confront and cross-examine witnesses
26 against her, and the right not to be compelled to incriminate
27 herself, that is, the right not to testify;

1 d. That if she pleads guilty, there will not be a
2 further trial of any kind on the charges to which such plea is
3 entered so that by entering into this plea agreement, she waives,
4 that is, gives up, the right to a trial;

5 e. That, upon entry of a plea of guilty, or thereafter,
6 the Court may ask her questions about the offenses to which she
7 has pled, under oath, and that if she answers these questions
8 under oath, on the record, her answers may later be used against
9 her in prosecution for perjury or false statement if an answer is
10 untrue;

11 f. That she agrees that the plea agreement is voluntary
12 and not a result of any force, threats or promises apart from
13 this plea agreement;

14 g. That she has read the plea agreement and understands
15 it.

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1 h. The defendant is satisfied with the representation
2 of her lawyer and feels that her lawyer has done everything
3 possible for her defense.
4

5
6 DATED: Dec. 1. 1998

Renee Rose Duenas Diaz
RENEE ROSE DUENAS DIAZ
Defendant

7
8
9 DATED: 12/1/98

Kari Wicklund
KARI WICKLUND
Attorney for Defendant

FREDERICK A. BLACK
United States Attorney
Districts of Guam and CNMI

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13
14 DATED: 12-1-98

By:

Marivic P. David
MARIVIC P. DAVID
Assistant U.S. Attorney

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rdiaz.inf

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FILED
DISTRICT COURT OF GUAM

DEC - 2 1998

MARY L. M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT COURT OF GUAM

CR 9800299

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO.
)	
Plaintiff,	)	INFORMATION
)	
vs.	)	CONSPIRACY TO IMPORT
	)	CRYSTAL METHAMPHETAMINE
RENEE ROSE DUENAS DIAZ,	)	a/k/a "ICE"
	)	[21 U.S.C. §§ 952(a), 960 & 963]
Defendant.)	

THE UNITED STATES ATTORNEY CHARGES THAT:

Beginning on or about 1997, the exact date unknown, and continuing up to the middle part of 1998, in the District of Guam and elsewhere, the defendant, RENEE ROSE DUENAS DIAZ, did unlawfully, intentionally, and knowingly combine, conspire, confederate and agree together with Anthony Tajalle aka "Ton" and Zachary Richard Ulloa Camacho aka "Cracker Jack", and other persons known and unknown, to import into the United States from a place outside thereof, crystal methamphetamine a/k/a "ice" a

1 scheduled II controlled substance, in violation of Title 21,
2 United States Code, Sections 952(a), 960, and 963.

3
4 DATED this 1st day of December, 1998.

5 FREDERICK A. BLACK
6 United States Attorney
7 Districts of Guam and CNMI

8 By: 

9 MARIVIC P. DAVID
10 Assistant U.S. Attorney
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Attorneys for the United States of America

FILED
DISTRICT COURT OF GUAM
JUN 12 2002
MARY L. M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THUY T. DAO,
Defendant.

CRIMINAL CASE NO. 02-00048

PLEA AGREEMENT

Pursuant to Rule 11(e)(1)(B), the United States and the defendant, THUY T. DAO, enter into the following plea agreement:

1. The defendant agrees to waive indictment pursuant to Rule 7(b) of the Federal Rules of Criminal Procedure, and enter a guilty plea to an Information charging her with importation of 100 grams net weight of methamphetamine also known as "ice," in violation of 21 U.S.C. §§ 952(a) and 960. The government will move to dismiss Counts I, VI and VIII of an indictment against her in CR# 01-00099 upon sentencing.

1 2. The defendant, THUY T. DAO, further agrees to fully and truthfully cooperate with
2 federal and local law enforcement agents concerning their investigation of the importation,
3 possession, and distribution of controlled substances, and money laundering, and related
4 unlawful activities, including the disposition of profits from and assets relating to such activities.
5 She agrees to testify fully and truthfully before any grand juries and at any trials or proceedings
6 against any other co-conspirators if called upon to do so for the United States, subject to
7 prosecution for perjury for not testifying truthfully. The United States will make this cooperation
8 known to the Court prior to the defendant's sentencing. The defendant further understands that
9 she remains liable and subject to prosecution for any non-violent Federal or Territorial offenses
10 that she does not fully advise the United States, or for any material omissions in this regard. In
11 return for this cooperation, the United States agrees not to prosecute defendant in the District of
12 Guam or the Northern Mariana Islands for any other non-violent offenses now known to the
13 government or which she reveals to federal authorities.

14 3. The defendant, THUY T. DAO , understands and agrees that any and all assets or
15 portions thereof acquired or obtained by her as a direct or indirect result of illegal trafficking in
16 drugs or used to facilitate such illegal activity shall be surrendered to the United States or any
17 lawful agency as may be directed by the Court. The assets to be surrendered include, but are not
18 limited to, cash, stocks, bonds, certificates of deposit, personal property and real property.

19 4. The defendant, THUY T. DAO, further agrees to submit to a polygraph examination
20 by any qualified Federal polygraph examiner if called upon to do so by the government. The
21 defendant understands that such polygraph examinations may include, but will not be limited to,
22 her knowledge of or involvement in unlawful drug and related activities, including money
23 laundering, and her knowledge of others' involvement in such activities, and the identification of
24 any and all assets and conveyances acquired in whole or in part by the defendant or others
25 through such unlawful activities or the use of such assets or conveyances to further such unlawful
26

1 activities. Defendant understands that the government will rely on the polygraph in assessing
2 whether she has been fully truthful.

3 5. The defendant, THUY T. DAO, understands that the maximum sentence for
4 importation of 100 grams of methamphetamine is incarceration for life and a \$4,000,000 fine. In
5 addition, there is a minimum mandatory term of ten (10) years of incarceration which may not be
6 stayed or suspended by the court. Any sentence imposed shall include a term of supervised
7 release of five (5) years in addition to such terms of imprisonment, as well as a \$100.00 special
8 assessment fee. The \$100 special assessment fee must be paid prior to or immediately upon
9 sentencing. The government will recommend a fine within the Sentencing Guidelines range. If
10 defendant is financially unable to immediately pay the fine in full, defendant agrees to make a
11 full disclosure of her financial status to the United States Attorney's Office by completing a
12 Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment schedule.
13 Defendant understands that, by law, interest accrues on any remaining balance of the debt. If
14 defendant cooperates as set forth in Paragraphs 2, 3, and 4, the government will recommend that
15 defendant receive the minimum term of incarceration legally available under the applicable
16 statutes and Sentencing Guidelines.

17 6. If defendant provides full, truthful, and substantial assistance to investigating federal
18 agencies, the government will move the Court, as provided by Section 5K1.1, United States
19 Sentencing Guidelines, hereinafter USSG, and 18 U.S.C. Section 3553(e), for a downward
20 departure from the Guidelines and the statutory minimum sentence. Defendant understands the
21 following:

22 (a) At or before the time of sentencing, the United States will advise the Court of
23 any assistance provided by defendant in the prosecution of another person who
24 has committed a criminal offense. The United States may, but shall not be
25 required to, make a motion requesting the Court to depart from the sentencing
26 range called for by the guidelines in the event defendant provides "substantial
27 assistance." This decision shall be in the sole discretion of the United States
28 Attorney.

(b) It is understood and agreed that a motion for departure shall not be made, under any
circumstances, unless defendant's cooperation is deemed "substantial" by the United
States Attorney. The United States has made no promise, implied or otherwise, that
defendant will be granted a "departure" for "substantial assistance." Further, no promise

1 has been made that a motion will be made for departure even if defendant complies with
2 the terms of this agreement in all respects, but has been unable to provide "substantial
3 assistance."

4 (c) The United States agrees to consider the totality of the circumstances,
5 including but not limited to the following factors, in determining whether, in the
6 assessment of the U.S. Attorney, defendant has provided "substantial assistance"
7 which would merit a government request for a downward departure from the
8 applicable guideline sentencing range:

9 (1) the United States' evaluation of the significance and usefulness
10 of any assistance rendered by defendant;

11 (2) the truthfulness, completeness, and reliability of any
12 information or testimony provided by defendant;

13 (3) the nature and extent of defendant's assistance;

14 (4) any injuries suffered or any danger or risk of injury to defendant
15 or defendant's family resulting from any assistance provided by
16 defendant; and,

17 (5) the timeliness of any assistance provided by defendant.

18 (d) It is understood that even if a motion for departure is made by the United
19 States, based upon defendant's perceived "substantial assistance," the final
20 decision as to how much, if any, reduction in sentence is warranted because of
21 that assistance, rests solely with the District Court.

22 7. The defendant understands that to establish a violation of importation of 100 grams of
23 methamphetamine, the government must prove each of the following elements beyond a
24 reasonable doubt:

25 First: defendant ^{knowingly} intentionally brought 100 grams net weight of methamphetamine a/k/a
26 "Ice" into the United States from a place outside thereof; and

27 Second: defendant knew it was methamphetamine a/k/a "Ice."

28 8. The defendant understands that the sentencing guidelines apply to this offense. The
government and the defendant stipulate to the following facts for purposes of the sentencing
guidelines:

a. The defendant was born on [REDACTED] 1978, and is a citizen of the United States.

b. If the defendant cooperates with the United States by providing information
concerning the unlawful activities of others, the government agrees that any self-incriminating

1 information so provided will not be used against defendant in assessing her punishment, and
2 therefore, pursuant to § 1B1.8 of the sentencing guidelines, such information should not be used
3 in determining the applicable guidelines range.
4

5 c. Beginning 1997 and continuing to October 1998, the defendant participated in a
6 conspiracy with Anthony Tajalle aka "Ton," Rowina Chargualaf, Linda Transfiguracion and
7 others to import methamphetamine a/k/a "ice" from California into Guam for purposes of
8 distribution and profit. During the conspiracy the defendant assisted in the smuggling of and
9 distribution of "ice" into Guam. During the conspiracy the defendant also assisted in
10 transporting cash or drug proceeds from Guam to California. The defendant assisted in
11 converting some of the cash into postal money orders in order to conceal and disguise the source
12 of the drug proceeds and to further the conspiracy. On April 22, 1998, the defendant arrived at
13 the AB.Wonpat International Air Terminal aboard Continental Micronesia Flight #001 from
14 Honolulu, Hawaii. The defendant knowingly concealed 100 grams of methamphetamine a/k/a
15 "ice" on her person which drugs were not detected by law enforcement officers. The defendant
16 obtained said drugs from Anthony Tajalle in California and distributed them to others in Guam
17 as instructed by Tajalle.

18 d. The defendant understands that notwithstanding any agreement of the parties, the
19 United States Probation Office will make an independent application of the Sentencing
20 Guidelines. The defendant acknowledges that should there be discrepancies in the final
21 sentencing guidelines range projected by her counsel or any other person, such discrepancy is not
22 a basis to withdraw her guilty plea.

23 9. The defendant understands that this plea agreement depends on the fullness and
24 truthfulness of her cooperation. Therefore, defendant understands and agrees that if she should
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1 fail to fulfill completely each and every one of her obligations under this plea agreement, or make
2 material omissions or intentional misstatements or engage in criminal conduct after the entry of
3 her plea agreement and before sentencing, the government will be free from its obligations under
4 the plea agreement. Thus, defendant, in addition to standing guilty of the matters to which she
5 has pled pursuant to this agreement, shall also be fully subject to criminal prosecution for other
6 crimes, and for the counts which were to be dismissed. In any such prosecution, the prosecuting
7 authorities, whether Federal, State, or Local, shall be free to use against her, without limitation,
8 any and all information, in whatever form, that she has provided pursuant to this plea agreement
9 or otherwise; defendant shall not assert any claim under the United States Constitution, any
10 statute, Rule 11(e)(6) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules
11 of Evidence, or any other provision of law, to attempt to bar such use of the information.
12

13 10. The defendant agrees to waive any right to appeal or to collaterally attack this
14 conviction. The defendant reserves the right to appeal the sentence actually imposed in this case. ☆

15 11. If defendant's guilty plea is rejected, withdrawn, vacated, or reversed at any time, the
16 United States will be free to prosecute defendant for all charges of which it then has knowledge,
17 and any charges that have been dismissed will be automatically reinstated or may be represented
18 to a grand jury with jurisdiction over the matter. In such event, defendant waives any objections,
19 motions, or defenses based upon the Statute of Limitations, Speedy Trial Act, or constitutional
20 restrictions as to the time of the bringing of such charges.

21 12. The defendant acknowledges that she has been advised of his rights as set forth
22 below prior to entering into this plea agreement. Specifically, defendant has been fully advised
23 of, has had sufficient opportunity to reflect upon, and understands the following:

- 24 a. The nature and elements of the charge and the mandatory minimum penalty
25 provided by law, if any, and the maximum possible penalty provided by law;
26 b. Her right to be represented by an attorney;
27
28

1 c. Her right to plead not guilty and the right to be tried by a jury and at that trial, the
2 right to be represented by counsel, the right to confront and cross-examine witnesses against her,
3 and the right not to be compelled to incriminate herself, that is, the right not to testify;

4 d. That if she pleads guilty, there will not be a further trial of any kind on the charges
5 to which such plea is entered so that by entering into this plea agreement, she waives, that is,
6 gives up, the right to a trial;


7 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask her questions
8 about the offenses to which she has pled, under oath, and that if she answers these questions
9 under oath, on the record, her answers may later be used against her in prosecution for perjury or
10 false statement if an answer is untrue;

11 f. That she agrees that the plea agreement is voluntary and not a result of any force,
12 threats or promises apart from this plea agreement;

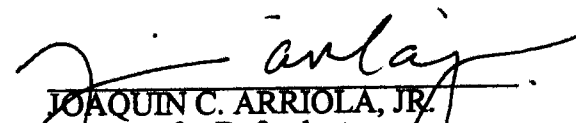
13 g. That she has read the plea agreement and understands it.

14 h. The defendant is satisfied with the representation of her lawyer and feels that her
15 lawyer has done everything possible for her defense.

16
17
18 DATED: 6/5/02



THUY T. DAO
Defendant

19
20 DATED: 6/5/02


JOAQUIN C. ARRIOLA, JR.
Attorney for Defendant

FREDERICK A. BLACK
United States Attorney
Districts of Guam and CNMI

21
22
23
24
25
26 DATED: 6/5/02

By: 
MARIVIC P. DAVID
Assistant U.S. Attorney

ORIGINAL

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FILED
DISTRICT COURT OF GUAM
JUN 12 2002
MARY L. M. MORAN
CLERK OF COURT

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,

vs.

THUY T. DAO,
Defendant.

CRIMINAL CASE NO. 02-00048

INFORMATION

IMPORTATION OF METHAMPHETAMINE
[21 U.S.C. §§ 952(a) and 960]

THE UNITED STATES CHARGES THAT:

On or about April 22, 1998, in the District of Guam and elsewhere, the defendant, THUY T. DAO, did willfully and knowingly import into the United States from a place outside thereof 100 grams net weight of methamphetamine hydrochloride a/k/a "Ice," a schedule II controlled substance, in violation of Title 18, United States Code Section 2, and Title 21, United States Code, Sections 952 (a) and 960.

DATED this 5th day of June 2002.

FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI

By:

Marivic P. David
Assistant U.S. Attorney

GOVERNMENT
EXHIBIT

COPY

1 tajalle etal.ind

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7 Attorneys for United States of America

FILED
DISTRICT COURT OF GUAM

OCT 10 2001

MARY L. MORAN
CLERK OF COURT

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE TERRITORY OF GUAM**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

17 vs.

20 ANTHONY J. TAJALLE,
THUY T. DAO,
21 ROWINA A. CHARGUALAF a/k/a
ROWINA A. TAUANNU, and
22 LYNDAL L. TRANSFIGURACION,

25 Defendants.

) CRIMINAL CASE NO. **01-00099**

) **INDICTMENT**

) **CONSPIRACY TO IMPORT**
) **METHAMPHETAMINE HYDROCHLORIDE**
) [21 U.S.C. §§ 952 (a), 960 & 963]

) **IMPORTATION OF METHAMPHETAMINE**
) **HYDROCHLORIDE**
) [21 U.S.C. §§ 952 (a) & 960]
) [18 U.S.C. § 2]

) **CONSPIRACY TO DISTRIBUTE**
) **METHAMPHETAMINE HYDROCHLORIDE**
) [21 U.S.C. §§ 841(a)(1), & 846]

) **UNLAWFUL USE OF**
) **COMMUNICATION FACILITY**
) [21 U.S.C. 843(b)]

) **CONSPIRACY TO LAUNDER**
) **MONETARY INSTRUMENTS**
) [18 U.S.C. §§ 1956(a)(1)(B)(i), and 1956(h),
) and 18, U.S.C. § 2]

27 THE GRAND JURY CHARGES THAT:
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3 **COUNT I - CONSPIRACY TO IMPORT**
 METHAMPHETAMINE HYDROCHLORIDE

4 Beginning in early 1997, a more exact date being unknown to the Grand Jury, and
5 continuing thereafter, until October 1998, in the District of Guam and elsewhere, the defendants
6 ANTHONY J. TAJALLE, THUY T. DAO, ROWINA A. CHARGUALAF a/k/a ROWINA A.
7 TAUANNU, and LYNDAL. TRANSFIGURACION, did intentionally, willfully, and knowingly
8 combine, conspire, confederate and agree together with each other and other co-conspirators,
9 both known and unknown to the Grand Jury, to knowingly import into the United States from a
10 place outside thereof, more than five hundred (500) grams of methamphetamine hydrochloride
11 a/k/a "Ice," a schedule II controlled substance, in violation of Title 21, United States Code,
12 Sections 952 (a), 960, and 963.

13 **COUNT II - IMPORTATION OF METHAMPHETAMINE HYDROCHLORIDE**

14 On or about February 15, 1998, in the District of Guam and elsewhere, the defendant
15 ANTHONY J. TAJALLE, did willfully and knowingly cause and aid and abet another to
16 knowingly import into the United States from a place outside thereof, approximately one hundred
17 ten (110) grams of methamphetamine hydrochloride a/k/a "Ice," a schedule II controlled
18 substance, in violation of Title 18, United States Code Section 2, and Title 21, United States
19 Code, Sections 952 (a) and 960.

20
21 **COUNT III - IMPORTATION OF METHAMPHETAMINE HYDROCHLORIDE**

22 On or about April 22, 1998, in the District of Guam and elsewhere, the defendant,
23 ANTHONY J. TAJALLE, did willfully and knowingly cause and aid and abet another to
24 knowingly import into the United States from a place outside thereof, approximately one hundred
25 sixty (160) grams of methamphetamine hydrochloride a/k/a "Ice," a schedule II controlled
26 substance, in violation of Title 18, United States Code Section 2, and Title 21, United States
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1 Code, Sections 952 (a) and 960.

2
3 **COUNT IV - IMPORTATION OF METHAMPHETAMINE HYDROCHLORIDE**

4 On or about September 23, 1998, in the District of Guam and elsewhere, the defendant
5 ANTHONY J. TAJALLE, did willfully and knowingly cause and aid and abet another to
6 knowingly import into the United States from a place outside thereof, approximately one hundred
7 forty (140) grams of methamphetamine hydrochloride a/k/a "Ice," a schedule II controlled
8 substance, in violation of Title 18, United States Code Section 2, and Title 21, United States
9 Code, Sections 952 (a) and 960.
10

11 **COUNT V - IMPORTATION OF METHAMPHETAMINE HYDROCHLORIDE**

12 On or about September 30, 1998, in the District of Guam and elsewhere, the defendant
13 ANTHONY J. TAJALLE, did willfully and knowingly cause and aid and abet another to
14 knowingly import into the United States from a place outside thereof, approximately one hundred
15 sixty three (163) grams of methamphetamine hydrochloride a/k/a "Ice," a schedule II controlled
16 substance, in violation of Title 18, United States Code Section 2, and Title 21, United States
17 Code, Sections 952 (a) and 960.
18

19 **COUNT VI - CONSPIRACY TO DISTRIBUTE**
20 **METHAMPHETAMINE HYDROCHLORIDE**

21 Beginning in early 1997, a more exact date being unknown to the Grand Jury, and
22 continuing thereafter, until October 1998, in the District of Guam and elsewhere, the defendants
23 ANTHONY J. TAJALLE, THUY T. DAØ, ROWINA A. CHARGUALAF a/k/a ROWINA A.
24 TAUANNU, and LYNDAL. TRANFIGURACION, did unlawfully, intentionally, and
25 knowingly combine, conspire, confederate and agree together with each other and other co-
26 conspirators, both known and unknown to the Grand Jury, to knowingly distribute more than five
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1 hundred (500) grams of methamphetamine hydrochloride a/k/a "Ice," a schedule II controlled
2 substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

3
4 **COUNT VII - UNLAWFUL USE OF COMMUNICATION FACILITY**

5 On or about September 24, 1998, in the District of Guam and elsewhere, the defendant
6 ANTHONY J. TAJALLE, did knowingly and intentionally use a communication facility, to-wit:
7 a telephone, in committing, causing and facilitating the offense of distribution of
8 methamphetamine hydrochloride a/k/a "Ice" a schedule II controlled substance, a felony under
9 Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code,
10 Section 843(b).

11 **COUNT VIII - CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS**

12 Beginning in late 1997, a more exact date being unknown to the Grand Jury, and
13 continuing thereafter, until October 1998, in the District of Guam and elsewhere, the defendants
14 ANTHONY J. TAJALLE, THUY T. DAO, and ROWINA A. CHARGUALAF a/k/a ROWINA
15 A. TAUANNU, knowing that the property involved in financial transactions represented the
16 proceeds of unlawful activity, to wit, the unlawful distribution of methamphetamine
17 hydrochloride a/k/a "Ice," in violation of Title 21, U.S.C. Section 841(a)(1), did knowingly and
18 intentionally combine, conspire, confederate and agree together with each other and other co-
19 conspirators both known and unknown, to conduct such financial transactions which in fact
20 involved the proceeds of said specified unlawful activity, knowing that the transactions were
21 designed in whole or in part to conceal and disguise the nature, the location, the source, the
22 ownership, and the control of the proceeds of said specified unlawful activity, all in violation of
23 Title 18, United States Code, Sections 1956(a)(1)(B)(i), and 1956(h), and Title 18, United States
24 Code, Section 2.

25 **OBJECT OF THE CONSPIRACY**

26 The object of the conspiracy was for the defendants to cause the cash proceeds from the
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1 sale of methamphetamine hydrochloride a/k/a "Ice" in Guam to be sent and delivered to co-
2 conspirators in California through the conversion of cash into money orders in Guam, and other
3 methods.

4 OVERT ACTS

5 1. During the years 1997 through 1998, ANTHONY J. TAJALLE recruited different
6 individuals to convert cash obtained from the unlawful distribution of methamphetamine
7 hydrochloride a/k/a "Ice" in Guam into money orders made payable to THUY T. DAO,
8 ROWINA A. CHARGUALAF a/k/a ROWINA A. TAUANNU, and other members of the
9 conspiracy intending thereby to conceal and disguise the source of the cash proceeds and to
10 further the conspiracy.

11 2. At various times during the conspiracy, THUY T. DAO and ROWINA A.
12 CHARGUALAF a/k/a ROWINA A. TAUANNU, and other individuals sent cash obtained from
13 the unlawful distribution of methamphetamine hydrochloride a/k/a "Ice" in Guam to other
14 members of the conspiracy including ANTHONY J. TAJALLE, in California through the
15 purchase of money orders, intending thereby to conceal and disguise the source of said cash
16 proceeds, and to further the conspiracy.

17 Dated this 10th day of October, 2001.

18 A TRUE BILL.

19
20 By: Concepcion B. Rivera
21 CONCEPCION B. RIVERA
Foreperson

22 FREDERICK A. BLACK
23 United States Attorney
Districts of Guam and NMI

24
25 By: Marivic P. David
26 Assistant U.S. Attorney
27
28



UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

LOCATION OF HEARING FOR SEPTEMBER CALENDAR

Date of Notice:

James R. Browning US Courthouse
United States Court of Appeals - 9th Circuit
95 Seventh Street
San Francisco, California

July 22, 2005

 Picture ID required to enter Courthouse 

COUNSEL WILL PLEASE CHECK-IN WITH THE DEPUTY IN THE COURTROOM

All CJA Counsel call (415) 556-9853 for travel authorization

U.S. ATTORNEY'S OFFICE
DISTRICTS OF GUAM & N.M.

Monday, September 12, 2005 9:00 a.m. Courtroom 1, 3rd Floor

JUL 26 2005

- () * 03-17325 Makdessian v. City of Mountain View
- () * 04-10291 United States v. Carrion
- () * 04-10478 United States v. Jane Doe.
- () 03-17195 Omega Healthcare Investors, Inc. v. Suncrest Healthcare Center
- () 03-17125) California Dept. of Toxic Substances Control v. Burlington Northern
- 03-17153) 03-17169)

RECEIVED

Tuesday, September 13, 2005 9:00 a.m. Courtroom 1, 3rd Floor

- () * 02-72497 Valencia Bravo v. Gonzales
- () * 02-72733 Fernandez v. Gonzales
- () * 04-10320 United States v. Pena
- () * 04-10343 United States v. Jennings
- () 03-16937 US ex rel. Patricia Haight, etc. v. Catholic Healthcare
- () 03-10307) United States v. Rosenthal
- 03-10370)

Wednesday, September 14, 2005 9:00 a.m. Courtroom 1, 3rd Floor

- () * 03-10479 United States v. Brown
- () * 04-10101 United States v. Mallett
- () * 04-10290 United States v. Bermudez
- () 03-17344 Kemmerer v. Starwood Hotels.
- () 03-10463) United States v. Dejanu
- 03-10497) United States v. Kissinger

Thursday, September 15, 2005 9:00 a.m. Courtroom 1, 3rd Floor

() * 03-16361 Chappell v. McCargar
() * 03-70253 Comparan v. Gonzales
() * 03-72501 Ray v. Gonzales
() * 04-10577 United States v. Piccolo
() 03-17291 Sonoma Co Office of Education v. Calif Special Ed Hearing Office
() 04-17295 Bates v. UPS

Friday, September 16, 2005 9:00 a.m. Courtroom 1, 3rd Floor

() * 03-15408 Stewart v. Stewart
() * 04-15756 Rowell v. Clark County Public Defender
() * 04-16039 Rosas v. Nielsen
() * 04-16082 McGuire v. Hamlet
() * 03-17213 Glenn v. Berndt
() * 04-10457 United States v. Transfiguracion
04-10458 United States v. Dao
() * 04-10590 United States v. Alferahin
() * 04-16821 Wallace v. Kramer

Monday, September 26, 2005 2:00 p.m. Courtroom 1, 3rd Floor

() + 03-99006 Correll v. Schriro

Tuesday, September 27, 2005 2:00 p.m. Courtroom 4, 2nd Floor

() + 03-15955 Nagrampa v. MailCoups, Inc.

* MAXIMUM ARGUMENT TIME 10 MINUTES PER SIDE
+ MAXIMUM ARGUMENT TIME 30 MINUTES PER SIDE
OTHER CASES 20 MINUTES PER SIDE

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